

The PRESIDING OFFICER. Is there objection? The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Mr. President, reserving my right to object, I may not object to this request. It certainly is not addressing the primary problem facing our Nation; that is, the fact that we are bankrupting this Nation. We need to start actually addressing that in the Senate. But I realize the managers worked hard on this bill. I realize there are some good amendments the Senate really needs to debate and we should vote on. That is the way the Senate should work.

I also ask that I be allowed to speak for 10 minutes following the agreement here.

Mr. REID. Mr. President, I accept the modification of the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 503 and 517) were agreed to.

The amendment (No. 512), as modified, was agreed to, as follows:

On page 48, strike lines 4 through 8.

The amendment (No. 520) was agreed to.

(The text of the amendment (No. 520) is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 509), as modified, is as follows:

On page 38, line 19, strike all through page 45, line 16.

On page 59, strike lines 11 through 15.

On page 66, strike lines 1 through 16.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank everybody for their cooperation. We worked long and hard on this bill. I thank the Senator from Wisconsin. He raises an excellent point. I thank the majority leader. I thank Senator ALEXANDER and Senator SCHUMER, who are the chief sponsors of this bill, and Senator LIEBERMAN. I am very glad we were able to work out this agreement and that we will be able to have final votes on the amendments and final passage tomorrow.

Thank you, Mr. President.

The PRESIDING OFFICER. The request, as modified, is agreed to.

• Mr. DURBIN. Mr. President, I was unavoidably absent for vote No. 98, a motion to instruct the Sergeant At Arms to request the attendance of absent Senators. Had I been present, I would have voted in favor of the motion. It is important for the Senate to respect bipartisan agreements and work towards completion of its legislative business. •

MORNING BUSINESS

NOMINATION OF GENERAL DAVID PETRAEUS

Mr. UDALL of Colorado. Mr. President, I will support the nomination of GEN David Petraeus to be Director of

the Central Intelligence Agency. Over the many years that he has served our country, he has proven himself time and again as a man of integrity, who will act in the best interests of the nation and—in this new position—the men and women of the CIA.

As one of the finest military leaders of our time, General Petraeus has been instrumental in the fight against Islamic extremism, playing key roles as Commanding General in Iraq and Afghanistan and as the Commander of U.S. Central Command. He has developed great expertise and deep knowledge of the threats we still face in South Asia and the Middle East. He will now take that expertise and knowledge to the CIA, where he will use different tools to face those and many other national security challenges around the world.

Despite my support for the general, I would be remiss if I did not add that I am concerned about a statement he made in answer to a question I asked during his Senate Intelligence Committee nomination hearing on June 23, 2011. General Petraeus has been on the record time and again explaining that torture does not fit with American values, that it creates new enemies, and perhaps most importantly, that it isn't effective. Yet he did not give a simple answer at the hearing when I asked him whether he sees torture any differently in a CIA context than in a military context.

Instead, he suggested that there might be a "special case" in which enhanced interrogation techniques might be an acceptable last resort option, for example, in the "nuclear football" scenario, where the government has in custody an individual who has placed a nuclear device under the Empire State Building, and only he has the codes to turn it off.

I understand the general's point that such a scenario—in which there is specific knowledge of imminent devastation—would be the exception, not the rule, and that it is a hypothetical one that might never occur in reality. He is certainly not the first to raise the ticking timebomb question in this context, nor is he the first to suggest that policymakers consider addressing this question in statute.

Perhaps it is time for Congress to weigh in definitively on the CIA's interrogation techniques. Today, only President Obama's executive order—not a law—prohibits the CIA's use of coercive interrogation, so it's possible that a new administration might decide to move this policy in a different direction. As I told General Petraeus at last week's hearing, I look forward to a debate and discussion with him about this important issue.

And as a member of the Senate Intelligence Committee, I look forward to working with CIA Director Petraeus on our country's many intelligence and national security challenges.

INTENTION TO OBJECT—S.1145

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1145, the Civilian Extraterritorial Jurisdiction Act, CEJA. While I joined in supporting a vote to report S. 1145 out of the Judiciary Committee, my vote does not signal my support for the legislation in its current form. Unless changes are made to address my concerns with the legislation, I will continue to object.

I oppose S. 1145 in its current form because it does not include a sufficient carve-out for intelligence, law enforcement, or protective assignments by U.S. Government employees abroad. The current version of S. 1145 does include a carve-out for intelligence activities, but the current version of the intelligence carve-out is problematic. There is repetition in the language and extraneous language is unnecessary. Further, under the current carve-out an intelligence agent may not be protected from prosecution, even though he was authorized to undertake an operation. The current provision in the bill would require that a supervisor's directive be authorized and also be "consistent with applicable U.S. law." This extra requirement opens up a world of questions. How should an agent in the field know his supervisor's instruction was "consistent with applicable U.S. law"? Will this provision now require agents to obtain a legal opinion before they take action? This is not the message we should be sending to the agents in the field.

Instead, I proposed a carve-out in the Judiciary Committee that would exclude government employees performing intelligence, law enforcement, and protective assignments abroad. This version was based upon existing U.S. law that some members of the Judiciary Committee previously supported. If the carve-out I proposed is good enough for employees operating inside the United States, it should be good enough for those operating abroad. Why would we give agents operating in the U.S. more protections than those operating in foreign lands?

Further, the current carve-out in S. 1145 is not the preferred language that the intelligence community proposed at the beginning of negotiations. If past is any prologue, this appears to be yet another instance where the intelligence community is settling for language it can "live with" as opposed to the optimal language it should be seeking. This same problem occurred in negotiations during consideration of legislation extending the three expiring provisions of the USA PATRIOT Act. Ultimately, extraneous language that would have restricted the ability of law enforcement and the intelligence community was removed from the extension of the PATRIOT Act authorities and a similar outcome should occur on CEJA.

I also oppose S. 1145 in its current form because the legislation does not